

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 984 of 2021

Abhay Naidu S/o. Ajay Naidu, Aged About 29 Years, R/o. C-25, Radhaswami Nagar, Raipur, District -Raipur, (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Police Station -Purani Basti, District -Raipur (Chhattisgarh).

--- Respondent

For Applicant	: Mr. Shubhank Tiwari, Advocate.
For Respondent-State	: Mr. Vimlesh Bajpai, GA with Mr. Sudhir Sahu, PL.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

24/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.308/2020 registered at Police Station –Purani Basti, District -Raipur, (CG), for the offence punishable under Sections 294, 323, 324, 506 -B, 34 of the Indian Penal Code and Sections 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 04.11.2020, when brother of complainant by name Rahul Tripathi, objected on abusing him in filthy languages by applicant and other co-accused persons. All of them assaulted him. During the course of assault, he received penetrating injury on his abdomen. Incident was reported to concerned Police Station, based upon which instant crime is registered against applicant and two others.
3. Learned counsel for the applicant submits that incident took place in night when injured himself started abusing. Incident was a sudden incident. During the course of scuffle, co-accused Ashraf Hussain caused injury by sharp edged weapon. During the course of investigation, Ashraf Hussain was arrested and one knife was recovered from his possession. In his memorandum statement, he stated that applicant and co-accused Anshul Sharma assaulted the injured by means of hands and fist. Looking to the nature of allegation levelled against

applicant offence under Sections 324 and offence under the Arms Act will not be attracted against him. Hence, applicant may be enlarged on anticipatory bail. He further pointed out that co-accused Ashraf Hussain was enlarged regular bail by Court below and other co-accused Anshul Sharma was granted anticipatory bail by Co-ordinate Bench of this Court in MCRCA/1768/2020 vide order dated 08.06.2021.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that applicant alongwith co-accused persons have assaulted Rahul Tripathi. Due to which, he suffered penetrating wound on his abdomen. However, upon reading memorandum statement of Ashraf Hussain, he submits that after his arrest knife was recovered from his possession. He does not dispute the submission with regard to grant of bail of co-accused Ashraf Hussain and Anshul Sharma.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, manner in which incident took place, role as alleged to be played by applicant, memorandum statement of co-accused Ashraf Hussain and the fact that Ashraf Hussain has been granted regular bail by Court below whereas co-accused Anshul Sharma has been granted anticipatory bail by Co-ordinate Bench of this Court, without commenting anything on merits of this case, I am inclined to grant anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to him by said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-